



Security Council

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GENERAL

S/21195
15 March 1990

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

The attached letter, dated 15 March 1990, was addressed to the President of the Security Council by the Permanent Observer of the Democratic People's Republic of Korea to the United Nations. In accordance with the request contained in the letter, the text is being circulated as a document of the Security Council.

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Annex

Letter dated 15 March 1990 from the Permanent Observer of the
Democratic People's Republic of Korea to the United Nations
addressed to the President of the Security Council

I have the honour to forward to you the text of the memorandum of 12 March 1990 of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea.

I request that this letter, together with the enclosed memorandum of the Ministry of Foreign Affairs of the Democratic People's Republic of Korea, be circulated as a document of the Security Council.

(Signed) PAK Gil Yon
Ambassador
Permanent Observer

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Enclosure

Memorandum dated 12 March 1990 of the Ministry of Foreign
Affairs of the Democratic People's Republic of Korea on
the truth of concrete wall

It is an international trend today to pull down the wall, a symbol of East-West confrontation, and head toward reconciliation and unity, making travel free.

To remove the obstacles and difficulties lying in the way of national reunification and bring about a fundamental turn in the solution of the reunification question in keeping with the trend of the present-day situation is an important task facing the Korean nation.

The new national reunification proposal of President Kim Il Sung, the respected leader of our people, that the concrete wall built in the area south of the military demarcation line (MDL) be removed and free travel and complete opening be realized between the north and the south of Korea reflects the ardent desire of the entire Korean people for reunification and the requirements of the times.

However, the United States and the south Korean authorities still refuse to step back from their stance of division and confrontation and keep to the road of increasing the tension and creating "two Koreas".

They claim in a far-fetched way that "there is no concrete wall", far from manifesting their intention to work for reunification by pulling down the wall of division built by them.

Considering it necessary to expose the moves of division and confrontation intensified by the United States and the south Korean authorities under the hypocritical slogan of "reunification" and "détente" after building up the concrete wall, the Foreign Ministry of the Democratic People's Republic of Korea is issuing this memorandum.

1. The concrete wall is a symbol of division and confrontation

Underlying the political background to the concrete wall that was built in the area south of the MDL, extending some 240 kilometres, is the "two Koreas" policy of the United States and the south Korean authorities.

When the historical north-south joint statement was published on 4 July 1972 and the sentiments for reunification were mounting among the south Korean people, the United States authorities, much upset by this, came out with "cross-recognition" aimed at creating a climate for "two Koreas" and made the south Korean authorities declare "two Koreas" their policy in June 1973.

Meanwhile, the United States and the south Korean authorities brought the hard-won north-south dialogue to suspension, intensified the suppression of the forces that supported reunification in south Korea and started "Team Spirit" joint military exercises targeted against our Republic.

At that time, in 1977, the south Korean authorities set about building the concrete wall cutting across the Korean peninsula at its waist at the instigation of the United States.

Already in the first days of the building of the concrete wall they did not bother to conceal the fact that this wall was a barrier for perpetuating the division of the Korean peninsula and aggravating north-south confrontation.

In 1979 Pak Jung Hi, the then ruler of south Korea, turned up at the construction site of the concrete wall while prowling about in the front-line area during the "Team Spirit 79" joint military exercises, and said: "We cannot live with the communists of the north. They do not belong to our nation. It does not matter whether the nation is divided into two or three. Bend all efforts on the construction of the wall."

Chun Doo Hwan, the former dictator, who personally directed the construction of the wall on the instructions of Pak Jung Hi, said at the construction site late in June 1978: "What are we building this wall for? Although we tell abroad that it is intended to deter the 'threat from the north', it is a camouflaging tactic ... It is, in fact, for internal security. Namely, it is intended to cast a damper over the earnest popular sentiments for reunification and growing movement toward it. It is to build the concrete wall high and scare those who want reunification out of their wits so they may abandon their hope for reunification and the like."

Thus, the concrete wall was built as a wall of division meant to break the growing movement toward reunification in south Korea and bisect the Korean peninsula.

A Japanese reporter who saw the concrete wall when its construction was at its height wrote: A big "fence" called "a great wall" is under construction in the south side's area of the demilitarized zone (DMZ) two kilometres wide on either side of the truce line.

The side of the wall facing north Korea is shaped like sickle in the upper part and it is a permanent concrete structure inlaid with piles of stones.

According to sources of the United States forces present in south Korea, this is barrier crossing the peninsula, whose construction was undertaken on major fronts in the period from late 1977 to early 1978, and finally is planned to be built nearly along the whole length of the front extending about 250 kilometres" (see the Japanese newspaper Shinano Mainichi, 27 January 1979).

When the construction of the concrete wall was completed, the south Korean authorities held a ceremony with pomp and splendour, officially announcing to the world the existence of division and confrontation.

On 29 December 1979, Choe Gyu Ha, the then "President" of south Korea, showed up at the ceremony in company with the "Defence Minister", the "Chairman of the Joint Chiefs of Staff" and the Commander of the United States forces present in south Korea to cut the tape.

Reports about it and photographs showing the concrete wall were carried in all the south Korean newspapers on 30 December 1979.

Even according to understated figures published by the south Korean authorities, the concrete wall cost 3.2 billion won, heavy arms were installed at its major points and even automatically operated iron gates on rails are attached to it, through which tanks can pass (see south Korean newspapers Choson Ilbo and Seoul Sinmun, 30 December 1979).

It is only too clear that such a concrete wall is a wall of division and, at the same time, a wall of confrontation serving as a launching position for an attack on the north.

As a consequence of the construction of the wall, 122 villages and 8 counties have been separated into north and south, several railways, three highways and more than 220 big and small roads cut and the blood veins of the Korean nation severed.

Facts prove that the concrete wall is a symbol of national division and north-south confrontation.

2. The concrete wall is a target of protest and denunciation of the Korean and the world people

It is the MDL that the Korean people must remove in order to reunify the country. It cannot but be a disgrace to the nation to build a new wall of division instead of removing the MDL for the sake of national reunification.

Therefore, the entire Korean people strongly demanded that the south Korean authorities refrain from acts leaving a stain on the history of the nation. In April 1979 the Committee of the Peaceful Reunification of the Fatherland in a statement exposed the injustice of the construction of this artificial wall of division undertaken in disregard of all the fellow countrymen's desire for reunification and urged an immediate halt to it.

We strongly demanded of the United States side an immediate discontinuation of the construction of this wall of division on many occasions including the 393rd, 395th and 396th meetings of the Military Armistice Commission held on 26 June, 31 August and 2 October 1979.

World-wide protests were voiced against the building of the concrete wall.

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Following a statement issued by the World Federation of Trade Unions (WFTU) against it on 25 April 1979 when it was under construction, public circles of many countries of the world lifted up loud voices demanding an immediate pulling down of the barrier.

Now is the time when the wall of division and confrontation built in the cold war days after the Second World War is crumbling.

The new reunification proposal of the Government of the Democratic People's Republic of Korea to pull down the concrete wall and realize free travel and complete opening has evoked the broadest and most active response ever in the world arena.

In the first two months of this year alone, the political, press and public circles of over 120 countries strongly demanded the earliest possible removal of the barrier of division in Korea.

Presidents, parliamentary speakers and foreign ministers of different countries manifested official stands supporting our new initiative.

Thus the concrete wall, the like of which cannot be found in any other place in the world, has been a target of strong protest and denunciation of the Korean people and the world's peace-loving people from the first days of its building to this date.

3. The wall of division must be removed

It is an inevitable historic process that walls of division are torn down and divided countries reunified.

There is no ground for the United States and the south Korean authorities to refuse to pull down the concrete wall in Korea, inasmuch as they welcomed the break of the wall of division in another country.

The United States and the south Korean authorities, however, still clinging to the policy of division and confrontation, do not demolish the concrete wall, but resort to subterfuge and intrigue to conceal their crimes in having built it.

The south Korean authorities claimed out of hand that "there is no concrete wall", although it really exists and, driven to the wall by the pressure of the world public opinion, are now insisting in a far-fetched manner that it is "an anti-tank barrier".

If it were an "anti-tank barrier" as they claim, two metres in height would be enough even according to their own military textbook. But, they built it five to eight metres high.

And, if it were an "anti-tank barrier", they would not have built it even on the ridges of steep mountains inaccessible to tanks. The south Korean authorities even staged a poor farce to build up public opinion that there is no wall in the south side's area of the MDL, leading reporters about.

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The United States newspaper, the Wall Street Journal, of 27 February 1990 said that the south Korean authorities took the reporters to a place where there is no concrete wall and tried to make them believe in the "non-existence of the wall".

But, new light was shed on the truth about it by the testimonies of those who had been mobilized in the building of the wall and of those who witnessed it.

At the 454th meeting of the Military Armistice Commission held on 2 February, Larry G. Vogt, Senior Member of the United States side, in the face of the undeniable stark fact, said that there was a concrete wall, but outside the DMZ along the MDL and the problem of the barrier must be resolved with the south Korean authorities. This means that the United States actually admitted the existence of the concrete wall.

Confronted with mounting world opinion demanding the pulling down of the wall, the United States and the south Korean authorities sought a "counter-measure" to quell it.

It is the "fourth tunnel" incident invented by them in a far-fetched way. As the entire Korean people and the world public consider, the concrete wall is a product of the divisionists' "two Koreas" policy.

The south Korean authorities must tear down the concrete wall at an early date, first of all, if they have the intention to defuse mistrust and confrontation between the north and the south and promote confidence and reconciliation.

In our area north of the MDL there is no barrier except a barbed-wire fence marking the MDL. We declare once again that we are ready to remove it anytime.

The concrete wall, a symbol of division and confrontation, must be removed and free travel and full-scale opening between the north and the south must be realized without fail in line with the trend of the times of détente and reconciliation.



General Assembly Security Council

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16 March 1990
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GENERAL ASSEMBLY
Forty-fifth session
Items 32 and 38 of the preliminary list*
THE SITUATION IN KAMPUCHEA
QUESTION OF PEACE, STABILITY AND
CO-OPERATION IN SOUTH-EAST ASIA

SECURITY COUNCIL
Forty-fifth year

Letter dated 15 March 1990 from the representatives of China, France,
the Union of Soviet Socialist Republics, the United Kingdom of Great
Britain and Northern Ireland and the United States of America to the
United Nations addressed to the Secretary-General

Representatives of our Governments met in Paris on 12 and 13 March 1990 for a third session of discussions on the modalities of a comprehensive political settlement of Cambodia conflict.

We have the honour to enclose the text of the summary of discussions agreed to at that session and should be grateful if you would arrange for it to be circulated, with the present letter, as a document of the General Assembly, under items 32 and 38 of the preliminary list, and of the Security Council.

(Signed) LI Luye
Permanent Representative
of China to the United Nations

(Signed) Pierre-Louis BLANC
Permanent Representative
of France to the United Nations

* A/45/50.

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(Signed) Aleksandr M. BELONOGOV
Permanent Representative
of the Union of Soviet Socialist
Republics to the United Nations

(Signed) Sir Crispin TICKELL
Permanent Representative of
the United Kingdom of Great Britain
and Northern Ireland to the
United Nations

(Signed) Alexander WATSON
Chargé d'affaires a.i. and
Deputy Permanent Representative
of the United States of America
to the United Nations

ANNEX

SUMMARY OF DISCUSSIONS

The Five Permanent Members of the United Nations Security Council met in Paris on 12-13 March 1990 for a third session of discussions on the modalities of a comprehensive political settlement of the Cambodia conflict. Their starting point was the agreement reached at the previous sessions in Paris and New York, taking account of the recent discussions among the Cambodian parties and of the Informal Meeting on Cambodia in Jakarta.

Although no text was formally adopted in Jakarta, the Five noted that in the course of the meeting, common understanding was reached among all concerned, notably the Cambodian parties, on the need for the United Nations to have an enhanced role in dealing with the various aspects of the Cambodian settlement process and for the establishment of a Supreme National Council.

In this connection, the Five recalled the statement issued after their meeting in New York and reaffirmed that the question of Cambodia must be resolved by a comprehensive political settlement including both military and administrative aspects, during the transitional period.

They also stressed the need for effective measures to guarantee the human rights and fundamental freedoms of the Cambodian people.

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A primary purpose of the United Nations' involvement will be the organisation and conduct of free and fair elections under its direct administration. This will require the creation of a neutral political environment in which no party would be advantaged.

1/ Organisation of Elections.

The United Nations should be responsible for the organisation and conduct of free and fair elections on the basis of genuine and verified voter registration lists of Cambodian citizens. Eligibility to vote, including provisions regarding the conditions of residence in Cambodia, will be established in the electoral law. Special electoral arrangements should be agreed to guarantee the right to vote of Cambodian refugees and displaced persons.

The electoral process should therefore be guided by the following principles :

- the system and procedures adopted should be, and be seen to be, absolutely impartial while the arrangements should be as administratively simple and efficient as possible ;
- all Cambodian participants in the elections should have the same rights, freedoms and opportunities to take part in the election process ; and
- all parties should commit themselves to honouring the results.

The duration of the electoral process should be consistent with the above and as short as possible . It should lead to a single election of a constituent assembly which would approve a Constitution and transform itself into a legislative assembly.

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2/ Supreme National Council

Bearing in mind the principle according to which the Cambodian parties should be consulted on questions relating to Cambodian sovereignty, the Five invited the four Cambodian parties to agree that a Supreme National Council should be established as the unique legitimate body and source of authority in which, throughout the period of transition, national sovereignty and unity should be enshrined.

Its composition should be decided by the Cambodian parties themselves and could include representatives of all shades of opinion among the people of Cambodia. From its creation, it will delegate to a United Nations Transitional Authority in Cambodia (UNTAC) all necessary powers including those to conduct free and fair elections. It will interface with the United Nations Transitional Authority and be consulted on, and give advice relevant to, the functions of civil administration and electoral organisation.

As the enshrinement of Cambodian sovereignty, the Supreme National Council would occupy the seat of Cambodia at the United Nations and its specialised agencies, and at other international bodies and conferences.

3/ Creation of a United Nations Transitional Authority in Cambodia (UNTAC)

Given the need for a neutral administration in Cambodia during the transitional period and the need to create a neutral environment in which free and fair elections could take place, the creation of a United Nations Transitional Authority in Cambodia is necessary.

The United Nations Transitional Authority will be established by the UN Security Council under the direct responsibility of the United Nations Secretary-General who may appoint a Special Representative. It should exercise all powers necessary over Cambodian territory in its entirety in order to :

- assure the Cambodian people of freedom from intimidation and the threat of force and corruption ;
- provide them with protection from economic and social discrimination ; and
- guarantee human and civil rights for all.

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* *

The Five met M. Rafaeuddin Ahmed, Under Secretary General of the United Nations. Through him, they asked the Secretariat of the United Nations to provide relevant technical information and advice. The Five consulted again with representatives of a number of other countries, also actively engaged in the search for a peaceful settlement in Cambodia.

They agreed to meet, if possible before the middle of May, in New York to continue their work to achieve a comprehensive settlement, including the military and peacekeeping aspects and the question of existing structures and regimes. They further intend to meet in Paris and, if the conditions are ripe, to consult with the representatives of the Cambodian parties.

In the interim, they will maintain contact with the United Nations Secretary-General's task force on Cambodia through their missions in New York and continue their consultations with other interested parties.



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REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF
THE REPRESENTATIVE OF ROMANIA ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received credentials signed on 14 March 1990 by the Minister for Foreign Affairs of Romania stating that Mr. Aurel Dragoş Munteanu has been appointed representative of Romania on the Security Council.

In the opinion of the Secretary-General, these credentials are in order.



General Assembly Security Council

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GENERAL ASSEMBLY
Forty-fifth session
Item 34 of the preliminary list*
POLICIES OF APARTHEID OF THE
GOVERNMENT OF SOUTH AFRICA

SECURITY COUNCIL
Forty-fifth year

Letter dated 16 March 1990 from the Permanent Representative
of Madagascar to the United Nations addressed to the
Secretary-General

I have the honour to transmit to you herewith the text of a message dated 11 February 1990 from His Excellency Mr. Didier Ratsiraka, President of the Democratic Republic of Madagascar, addressed to Mr. Oliver Tambo, President of the African National Congress.

I should be grateful if you would arrange to have this letter and its annex circulated as an official document of the General Assembly, under item 34 of the preliminary list, and of the Security Council.

(Signed) Blaise RABETAFIKA
Ambassador
Permanent Representative

* A/45/50.

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Message dated 11 February 1990 from the President of Madagascar
addressed to the President of the African National Congress

On this day of victory for the black people of South Africa, I am happy to convey to you the warmest congratulations of the Malagasy people.

The struggle of your people under the leadership of the African National Congress has just passed a milestone on the way towards recognition of their legitimate aspirations to dignity and political existence.

Please convey to our brother, Nelson Mandela, our respect and our admiration for the tenacity and the courage which he has unceasingly demonstrated for several decades.

His release can only foreshadow that of his people through the radical abolition of the apartheid régime.

The African National Congress and all anti-apartheid forces will be able to overcome all the difficulties on the path which has now been opened up towards the advent of a new and genuinely African South Africa.

Didier RATSIRAKA
President of the Democratic Republic of
Madagascar



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GENERAL ASSEMBLY
Forty-fifth session
Items 23 and 77 of the preliminary list*
QUESTION OF PALESTINE
REPORT OF THE SPECIAL COMMITTEE TO
INVESTIGATE ISRAELI PRACTICES AFFECTING
THE HUMAN RIGHTS OF THE PALESTINIAN
PEOPLE AND OTHER ARABS OF THE OCCUPIED
TERRITORIES

SECURITY COUNCIL
Forty-fifth year

Letter dated 20 March 1990 from the Chairman of the Committee
on the Exercise of the Inalienable Rights of the Palestinian
People addressed to the Secretary-General

As Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I wish to draw your attention to the attached extract from Country Reports on Human Rights Practices for 1989 published by the Department of State of the United States of America, which contains information on the situation concerning human rights in the Palestinian and other Arab territories occupied by Israel since 1967. In view of the importance of this information, the Committee, at its 169th meeting on 2 March 1990, decided to request that this extract should be issued as an official document of the General Assembly, under items 23 and 77 of the preliminary list, and of the Security Council. I therefore have the honour to convey to you the Committee's request.

(Signed) Absa Claude DIALLO
Chairman of the Committee on the
Exercise of the Inalienable Rights
of the Palestinian People

* A/45/50.

ANNEX

101st Congress
2d Session

JOINT COMMITTEE PRINT

COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES FOR 1989

REPORT

SUBMITTED TO THE

**COMMITTEE ON FOREIGN AFFAIRS
HOUSE OF REPRESENTATIVES**

AND THE

**COMMITTEE ON FOREIGN RELATIONS
U.S. SENATE**

BY THE

DEPARTMENT OF STATE

**IN ACCORDANCE WITH SECTIONS 116(d) AND 502B(b) OF THE
FOREIGN ASSISTANCE ACT OF 1961, AS AMENDED**



FEBRUARY 1990

**Printed for the use of the Committees on Foreign Affairs and Foreign
Relations of the House of Representatives and the Senate respectively**

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THE OCCUPIED TERRITORIES

This report differs from most other reports contained in this volume in one fundamental respect: whereas other reports describe the relationship between the government and the governed in countries over which the governments in question exercise sovereignty, this report deals with lands under foreign military occupation. The lands now known as the "occupied territories" were occupied by Israel in the 1967 War. Israel has not been recognized to have sovereign rights over any of the occupied territories: the West Bank, the Gaza Strip, the Golan Heights, and East Jerusalem. Regarding East Jerusalem, Israel has asserted sovereignty and annexed it. The West Bank and the Gaza Strip are governed under Jordanian and British law, as modified by military orders. Israeli law and civilian administration have been extended to the Golan Heights.

The United States considers Israel's occupation to be governed by the Hague Regulations of 1907 and the 1949 Fourth Geneva Convention Relative to the Protection of Civilian Persons in Time of War. Israel denies the applicability of the Fourth Geneva Convention to the West Bank and Gaza, but states that it observes the Convention's humanitarian provisions in those areas.

Since 1967, there have been episodic but sometimes intense outbreaks of violence within the occupied territories, reflecting Palestinian opposition to the occupation. In December 1987, there was a dramatic outburst of civilian unrest and violence. This has continued throughout 1989 and has been far more widespread and intensive than at any time heretofore. This has led to a severe crackdown by the Israeli Defense Forces (IDF).

The human rights situation in the occupied territories remains a source of deep concern to the United States. Overall, there were more Palestinian deaths in 1989 than in 1988. A total of 432 Palestinians were killed in intifada-related violence in 1989, of whom 384 were killed by Israeli security forces and settlers and 128 by other Palestinians; 13 Israelis, soldiers and civilians, were killed by Palestinians during 1989.

This unrest and violence, known as the intifada, has as its minimum goal the end of Israeli occupation, a goal strongly supported by Palestinians in the West Bank and Gaza. The leadership of the uprising, known as the United National Leadership of the Uprising (UNLU), attempts to direct and coordinate intifada activities. As it developed, groups of young people which have formed in individual localities but are loosely associated with each other and coordinate their tactics have, throughout the occupied territories, enforced business shut-downs and strikes, and directed attacks at Israeli military patrols and Israeli travelers, particularly settlers, whose cars are routinely pelted with stones. Occasionally firebombs have been thrown. The security forces have responded with tear gas, rubber and plastic bullets, and metal bullets.

Israeli occupation authorities have sought to end the intifada through widescale arrests, detention, raids on homes in which suspects were thought to reside, and more severe forms of punishment, including deportation. The rules of engagement of the Israeli Defense Forces provide for the use of force in case of self-defense in life-threatening situations, in the arrest of a suspect to a crime if the suspect resists, and

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dispersing a violent riot which endangers public order or the safety of soldiers. The rules allow the use of live fire only as a last resort and under defined procedures in these circumstances. The guidelines for the use of force stipulate that once force is no longer needed, it should no longer be applied. The Government of Israel makes clear to all forces serving in the occupied territories the need to adhere to the rules of engagement. However, violations of these rules have resulted in death and injuries. Only a relatively small number of such incidents have resulted in prosecution, and the sentences meted out have tended to be light.

An important aspect of the situation in the occupied territories in 1989 has been the significant increase in violence by Palestinians directed at other Palestinians. This has taken a number of forms, including assassinations, other acts of violence, and threats of violence. This took place in an environment influenced by some statements by various Palestinian leaders and the Unified Command promoting violence (e.g., a call by one UNLU leaflet to use knives, hatchets, and Molotov cocktails), tough Israeli security measures, the breakdown in law enforcement against conventional crime, and factional differences among Palestinians. The Unified Command has not disassociated itself from the phenomenon of intra-Palestinian violence but has sought to curb that element not under its control.

The strength of the Islamic fundamentalist Hamas movement has contributed to this intra-Palestinian violence and atmosphere of intimidation. Hamas opposes any reconciliation with Israel, and it would appear that its appeal, albeit still limited to a minority of the Palestinian population, has also shaped intra-Palestinian tensions.

Israel's open, democratic society enables widespread access to data on and investigations of human rights in the territories, notwithstanding IDF restraints applied there. Israel has designated officials in the Ministry of Defense with whom U.S. officials discuss specific allegations of human rights violations.

RESPECT FOR HUMAN RIGHTS**Section 1 Respect for the Integrity of the Person, Including Freedom from:****a. Political and Other Extrajudicial Killing**

Political killing is not condoned by Israel. However, in 1989 there were allegations that Palestinian activists were intentionally killed by Israeli security forces or Palestinians working for them. Israel categorically denied these charges.

Israeli settlers killed 11 Palestinians during marches, patrols, retaliatory raids, and other incidents. The IDF condemned such vigilantism and attempted to stop it. Charges were brought against one settler leader in 1989 for the 1988 slaying of a Palestinian, and he has been on trial. Suspects in other killings were released for lack of evidence after they failed to cooperate with police.

Palestinian attacks against Israeli soldiers and civilians in 1989 resulted in 13 deaths and 196 injuries. The authorities

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investigated these cases and prosecuted suspects in some of them.

During 1989, 128 Palestinians were killed by other Palestinians. Many were also wounded. There has been intimidation against some of those who are employed by the Civil Administration, and, in some cases, against some of those who have expounded the need for political compromise. Among those killed this year were a number of Arab policemen or local Arab village officials. Israelis state that a number of the victims of intra-Palestinian violence have been killed for seeking to express moderate views. Many of the victims were working with the Israeli security authorities, and Palestinians claim that some of them were armed and provided information leading to arrests of uprising activists. Palestinians state that other victims were habitual criminals or people killed due to private disputes.

Some of these attacks and acts of intimidation were carried out by young Palestinian activists, often masked, who were members of the "strike forces" which enforce directives relating to the conduct of the uprising. However, some attackers were members of self-styled Palestinian gangs which operated autonomously. The emergence of gangs called the Red Eagles and Black Panthers in Nablus in the northern West Bank has been a new development of concern both to Israelis and to most of the Palestinian community; these gangs and other individuals have also engaged in acts of violence as vendettas or as settling scores not connected with the intifada.

(For further discussion of casualties, see Sections 1.c. and 1.g.)

b. Disappearance

Israel does not sponsor or condone disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

Torture is forbidden by Israeli law, and Israeli authorities assert they do not condone its use in the occupied territories. IDF orders forbid the use of force after the detention of a suspect and the cessation of violent resistance. Nevertheless, reports continue of harsh and demeaning treatment of prisoners and detainees, as well as allegations of beatings of suspects and detainees, including beating during house searches, which is contrary to IDF rules. At least 10 deaths can be attributed to beatings. Palestinians and international human rights groups claim that other cruel practices--including enforced standing in one position for prolonged periods, hooding, sleep deprivation, and cold showers--have continued since being confirmed in the 1987 report of the Landau judicial commission referred to in the 1988 Country Reports on Human Rights Practices. Physical and psychological pressures are particularly severe in incommunicado detention during investigation and interrogation.

Most convictions in security cases are based on confessions. An attorney is normally not allowed to see a client until after interrogation is completed and a confession, if obtained, has been made. Individuals may be held up to 14 days after arrest before the International Committee of the Red Cross (ICRC) is permitted access, which is often delayed.

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According to IDF figures, 9,138 Palestinians were being held in IDF prison facilities as of January 1, 1990. Two military detention centers were added to the nine existing facilities. The Ketzioth detention facility was expanded and improved, but serious overcrowding continued. Conditions at military detention facilities varied. Several prison riots and hunger strikes protesting conditions occurred. In March a prisoner in Gaza died while under Shin Bet interrogation. An Israeli investigation concluded that the cause of death was natural (an ulcer), and there is no presumption of mistreatment. The investigation also held that lax supervision may have contributed to the death, and a medical orderly has been disciplined. Another prisoner in Gaza died December 19 under interrogation in Shin Bet custody. An official autopsy concluded that death was caused by internal stomach bleeding brought on by a blow. Israel initiated an investigation into this incident.

d. Arbitrary Arrest, Detention, or Exile

No new deportation orders were issued in 1989, but 26 Palestinians (including 5 journalists and 5 labor leaders) were deported in 1989, many after a lengthy appeals process up to the Israeli High Court of Justice, under deportation orders issued in 1988. Two others avoided formal deportation by signing agreements to remain abroad and avoid political activities for 5 years. The deportation process is characterized by a lack of formal charges and the use of secret evidence not disclosed to the suspect or his attorney. The United States considers deportations to contravene Article 49 of the Fourth Geneva Convention. The Israeli High Court of Justice has not accepted this view.

Palestinians under deportation orders may appeal to the Israeli High Court. The Court has overturned no deportation orders.

Administrative detention for alleged security reasons without formal charges was widespread in 1989. Israel maintains that administrative detention is used only against persons engaged in activities threatening security; however, in a number of cases persons appear to have been detained for nonviolent political activities. While the number of administrative detainees at any one time varies, IDF figures indicate that the number was 1,271 as of January 1, 1990. Most were detained under a 6-month order, although many orders have been renewed for a second or third time. In August the maximum length of detention under orders was extended to 12 months.

District military commanders may order administrative detentions without formal charges. A detainee may appeal the order to a military judge. Only a small percentage of orders is overturned on appeal. Secret evidence, not made available to detainees or their attorneys, is often used to support administrative detention orders. Rulings by military judges can be appealed to the High Court, which may review secret evidence, but there have been no reversals. According to the IDF, approximately 30 percent of detention orders were shortened or canceled on appeal in 1989 after portions of the detention period were served.

The authorities continued to transfer detainees and prisoners convicted of security offenses from the occupied territories to facilities in Israel, particularly the Ketzioth detention camp in the Negev Desert and Megiddo Prison near Afula in

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northern Israel. Such transfers, in the view of the United States, contravene Article 76 of the Fourth Geneva Convention. However, the Israeli High Court dismissed a 1988 petition brought by Katsiot detainees and held that the Convention's provisions could not be enforced by an Israeli court since they had not been enacted into Israeli law.

Any soldier can arrest without warrant a person who has committed, or is suspected of having committed, a criminal or security offense. Persons arrested for common crimes in the occupied territories are usually provided the opportunity for bail, access to an attorney, and a statement of charges, although these rights are sometimes delayed. Individuals may be held in custody without a warrant for 96 hours, and may be held without formal charges for up to 18 days. The normal pretrial detention period is 60 days. A high court judge may approve unlimited 3-month extensions. Security detainees are usually denied bail and are routinely held without access to counsel for 18 days. Access may be denied indefinitely if officials believe granting it would impede the investigation. Many security suspects are arrested without warrants and may be so held for up to 96 hours. Denial of notification of arrest to immediate family members, attorneys, and consular officials is common and under law can be extended for up to 14 days. Incommunicado detention for a period of 8 days is permitted with a court order. Detainees are often not told the reasons for their detention. In September Israel announced improved family notification procedures. However, the problem of delayed notification continued.

e. Denial of Fair Public Trial

Palestinians accused of nonsecurity offenses are tried publicly in local courts by Palestinian judges, except where jurisdiction has been transferred by military order. Palestinians accused of security offenses, which are broadly defined and, as administered, cover Palestinian nationalist activity of a nonviolent character, are tried in Israeli military courts before panels composed of one or three judges. Charges are brought by military commanders. Suspects are entitled to counsel. In 1989 there were long delays before trial because military courts were overburdened by the large number of uprising-related security cases. An increased number of judges and prosecutors was inadequate to cover the workload.

Most military trials are public, though access is controlled and in some cases limited. Consular officers are allowed to attend military court proceedings involving foreign citizens, but there have been delays in gaining admission. Acquittals are very rare in security cases. Most convictions in military courts are based on confessions. The absence of bail, long pretrial delays, and physical and psychological pressures increase the likelihood of confessions. These are usually recorded in Hebrew, which many defendants are unable to read.

In April a military appeals court staffed by active duty and reserve military officers was established with branches in the West Bank and Gaza. Appeals from decisions by three-judge panels may be brought by the defendant or the prosecution. Cases heard by single-judge panels, which can impose prison sentences of up to 5 years, may be appealed only with the permission of the court. According to Israel's Judge Advocate General, the court heard 25 cases through mid-October in which it accepted 15 defense appeals and 7 prosecution appeals.

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Nonjudicial administrative orders of the military government may be appealed to area military commanders and to the High Court. The court almost never reverses Civil Administration or military orders based on security considerations.

Israeli settlers in the occupied territories accused of security and ordinary offenses are tried in the nearest Israeli district court under Israeli law. These courts are presided over by professional judges, and standards of due process and admissibility of evidence are stricter than in military courts.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

Military authorities may enter private homes and institutions without a warrant in pursuit of security objectives. Forced entries, which are a regular part of IDF operations, have resulted in beatings, destruction of property, and arrests. Military orders also authorize the authorities to occupy buildings, or parts of buildings, as military observation points. Security officials frequently questioned Palestinians about their political views, and temporarily detained people. Demolition and sealing are nonjudicial administrative punishments ordered by the area military commander. Demolition and sealing of houses in the occupied territories are carried out pursuant to Article 119 of the Defence (Emergency) Regulations of 1945. Under the regulations, military commanders may order the demolition or sealing of any house from which they suspect a firearm has been discharged or bomb thrown, or any house situated in an area, town, village, quarter, or street, the inhabitants of which they are satisfied have committed offenses against the regulations. The Israeli High Court ruled in January that houses of stone-throwers could be demolished. In July the High Court ruled that houses rented by offenders could be demolished and that owners have 48 hours to appeal a demolition order to the area military commander, who can waive this right in cases of "operational military need." Final appeals can be made to the High Court. The High Court has delayed orders but has not overturned any of them. In 1989, 170 Arab houses were demolished or sealed for security reasons (88 demolished, 82 sealed).

Owners are not allowed to rebuild, making the punishment one of indefinite duration. House demolition as punishment is enforced only against Arab residents of the occupied territories. The United States believes demolition and sealing as punishment of families contravenes the Fourth Geneva Convention. Israel, however, holds that the Convention permits demolition under imperative military considerations. The Israeli High Court has ruled that demolition is lawful in certain circumstances.

Mail and telephone conversations are sometimes monitored. Telephone service to specific areas is sometimes interrupted by the authorities.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

While the rules of engagement set forth the limits within which force may be used, there were nonetheless a number of instances in which these limits were exceeded. IDF regulations permit use of live fire only when soldiers' lives are in real and immediate danger, to halt fleeing suspects, or

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to disperse a violent riot. Only a specific attacker may be fired on; fire is to be directed at legs only; and fire may be directed at a fleeing suspect only if a serious felony is suspected, and as a last resort. Rules of fire were expanded in 1989 to allow firing at any fleeing masked individual. Soldiers may fire high-velocity ammunition only after exhausting other methods, including tear gas, rubber bullets, and warning shots.

IDF guidelines often were not followed, resulting in avoidable deaths and injuries. Most Palestinians were killed by high-velocity rounds shot by the IDF or border police in the course of incidents involving stones, firebombs, and fleeing suspects. Many deaths and wounds were from bullets in the head or upper body. Misuse of plastic and rubber bullets continued to result in death and serious injury. In January noncommissioned officers were authorized to fire them. Tear gas was occasionally used in houses and enclosed spaces in violation of instructions for its use, which can be potentially lethal.

Estimates vary of the number of casualties from violence in the occupied territories. Figures compiled from press, Palestinian, hospital, international organization, and Israeli government sources indicate that in the occupied territories a total of 432 Palestinians were killed in 1989 (including the casualties already described in Section 1.a.: 11 Palestinians killed by settlers, and 120 Palestinians killed by other Palestinians). Estimates of the number of Palestinians wounded varies from over 5,000 to up to 20,000. As also reported in Section 1.a., 13 Israelis were killed by Palestinians and 196 injured in the occupied territories during 1989.

According to the IDF, 435 cases of IDF conduct were investigated in 1989, of which 47 resulted in court-martial; some were dropped for lack of evidence, and others were sent to unit commanders for disciplinary action below the level of court martial. However, regulations often were not vigorously enforced, many cases of unjust killing did not result in disciplinary action, and punishments often were lenient. In May four members of an elite IDF unit were cleared of manslaughter charges and convicted on reduced charges of "causing grievous bodily harm" in the 1988 beating death of a Gazan. The court found their officers had issued "manifestly illegal orders" in authorizing the beatings, but there was no prosecution of the officers. The 9-month sentences of the soldiers were later commuted to 6 months. The High Court of Justice on December 24 ordered the court-martial of an IDF colonel, who had resigned after the IDF had severely reprimanded him for ordering the breaking of bones of detainees. The IDF Judge Advocate General's office announced December 25 that another IDF colonel would be court-martialed for having shot to death a Palestinian resident of the Bureij refugee camp in Gaza. The official investigation of an incident in Nahalin in April 1989, which had resulted in five Palestinian deaths, acknowledged serious errors. Several Israeli security personnel involved in Nahalin were transferred and disciplined.

There were several controversial incidents in 1989 involving the entry by Israeli security forces into Palestinian hospitals and clinics. Israel denies that it interferes with medical services and supplies as a matter of policy but acknowledges that at times its security forces enter hospitals

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to pursue and arrest fleeing rioters or those suspected of security offenses. It denies allegations of mistreating patients or staff and asserts that Palestinians use hospitals as refuges for uninjured rioters. Palestinians deny this and charge that security forces in some cases used tear gas and beat patients and staff, in contravention of international law. Palestinians allege that security forces at IDF roadblocks deliberately held up ambulances transporting wounded. Israel charges that ambulances are used to transport uninjured security suspects.

Israel, in response to a tax boycott, imposed a siege on the West Bank town of Beit Sahour. All access to the town was blocked for over 40 days, during which Israeli authorities seized merchandise and vehicles to pay outstanding tax bills. Israel claims these actions were justified by the tax boycott. Palestinians claim that certain Israeli tax practices are inconsistent with international law, including the imposition of a value added tax (VAT) and other taxes which did not exist before 1967, the summary seizure of private property, and Israel's failure to address whether the tax revenues were being utilized for the benefit of the population of the occupied territories.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

East Jerusalem is an active center of Arabic publication, including newspapers. There is no press elsewhere in the occupied territories. The Israeli authorities imposed tight restrictions on the Arabic press, citing broadly defined security reasons. Publications in East Jerusalem must submit to the military for prior censorship all copy relating to the security, public order, and safety of Israel and the occupied territories. Some reports and editorials related to the uprising and Palestinian political goals were permitted, but articles and editorials were routinely expurgated. Arabic translations of uprising-related news stories which had previously appeared in the Hebrew language press were routinely censored from the Arabic press.

The display of Palestinian political symbols, such as flags, national colors, and graffiti, is punishable by fines, detention, or imprisonment. According to the IDF, very few persons were sentenced in 1989 solely for displaying nationalist symbols, although this charge may be levied along with other more serious charges for violent activity. Public expression of support for the Palestine Liberation Organization (PLO), its component factions, Muslim extremist groups (such as Hamas), and other banned organizations is prohibited.

No broadcast media originate from the occupied territories. The authorities have jammed inflammatory radio broadcasts from neighboring countries. In August the use of fax machines in the Gaza Strip was banned. A military order closing a prominent Palestinian press service was renewed, and two other Palestinian press services were closed.

For alleged security offenses, Israeli security authorities administratively detained at least 20 journalists, interrogated numerous others, and raided newspaper offices.

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A permit is required for publications imported into the occupied territories. Imported materials may be censored or banned for anti-Semitic or anti-Israeli content or support of Palestinian nationalism. In addition to temporary restrictions on individual publications, there were temporary bans on the distribution of all East Jerusalem Arab newspapers in the West Bank and Gaza on four occasions. Possession of banned materials, such as uprising leaflets, is punishable by fine and imprisonment. The IDF periodically declared all or parts of the West Bank and Gaza closed military areas, one primary effect of which was to exclude journalists except under military escort. Reports by foreign journalists are subject to censorship under a system of self-regulation.

Israel kept all Palestinian universities in the West Bank and Gaza closed throughout 1989, allegedly because they were contributing to violence. The vocational, secondary, and elementary schools in the West Bank, closed in January, reopened in July and August but were closed again in mid-November. Schools in Gaza and East Jerusalem were open for most of the school year. Alternate, off-campus classrooms organized by parents and teachers were banned on security grounds, although some continued to operate.

b. Freedom of Peaceful Assembly and Association.

Military orders ban public gatherings of 10 or more people without a permit. (No permits were requested in 1989.) Political parties and other groups, including some labor unions, viewed as political are banned. Private organizations must be registered, though some operate without licenses.

Palestinian charitable, community, professional, and self-help organizations were permitted to operate unless their activities were viewed as overtly political or supporting the uprising. Persons involved in such activities were arrested, interrogated, administratively detained, or denied permission to travel.

c. Freedom of Religion

Freedom of religion is respected in the occupied territories. No group or sect is banned on religious grounds. Muslim and Christian holy days are observed. Both faiths operate schools and institutions (although religious schools were subject to the same extended closure as other West Bank schools). Religious publications circulate subject to the laws for publications detailed in Section 2.a.

In the wake of a demonstration in the al-Aqsa mosque area in Jerusalem, which resulted in some worshippers at the Western Wall below being pelted with stones, the Israeli authorities restricted access to the Al-Aqsa mosque during the Muslim holy month of Ramadan and the Id al-Adha holiday. Security forces raided mosques and confiscated mosque loudspeakers, claiming security reasons. There was no indication that such raids or arrests of Muslim clergy were directed at religious freedom but rather at political or security-related activities.

d. Freedom of Movement Within the Occupied Territories, Foreign Travel, Emigration, and Repatriation

Freedom of movement was restricted periodically in the West Bank and Gaza by IDF curfews, which were often prolonged to discourage protest activities. Hundreds of curfews, some

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lasting several weeks, were imposed. During curfews, people were usually allowed to leave their houses to obtain food and medical care for short, defined periods. These curfews caused severe hardship.

All residents of the West Bank and/or Gaza were sometimes prevented from traveling to East Jerusalem or Israel. Peace advocacy groups from Israel were sometimes forbidden to visit Palestinian villages, for alleged security reasons.

Thousands of Palestinians in the occupied territories travel abroad each year. Israel imposed travel restraints on some political activists and on family members of some deportees. There were cases in which young men were denied permission to travel unless they agreed to remain abroad for an extended time. Exit travel permits were delayed for some Palestinians returning abroad for work or study after visiting relatives in the occupied territories. According to figures from the Islamic Waqf, which supervises mosques and Islamic properties in the occupied territories, over 90 percent of the Muslims who applied were permitted to make the hajj. Palestinians claim that those denied permission were denied because of nationalist activity.

There are no obstacles to emigration. Israel sometimes refuses to renew laissez-passeurs of Palestinians from the occupied territories who live or work abroad on the grounds that they have abandoned their residence, even though they may not have acquired foreign citizenship. Palestinians who obtain foreign citizenship are ordinarily not allowed to resume residence in the occupied territories. They are permitted to return as tourists only and sometimes are denied entry entirely. Enforcement of the 3-month limit for tourist visas for stays by Palestinians is uneven.

Entry or residency permission is frequently denied spouses, relatives, and children following the emigration of the head of the household. According to press reports, at least 100 spouses were deported for lack of residence permits in 1989. Persons who marry Palestinians in the occupied territories generally are not allowed to take up residence there. Israel has also denied the return of former West Bank residents who were not present in the territories, for whatever reason, at the time of the 1967 census.

Requests for family reunification far exceed the numbers of those granted. Palestinians say thousands of family reunification requests are pending. According to the Government of Israel, in 1988 and 1989 a total of 3,266 family reunification applications were filed for the West Bank, of which 695 were approved. For Gaza, 278 applications were filed in 1988 and, through July 1989, 219 were filed. Figures on the number approved for Gaza are not available. Israeli officials acknowledge that family reunification is limited for demographic and political reasons and assert that the laws of occupation do not require Israel to permit immigration into the territories. Restrictions on residence, tourist visas, reentry, and family reunification do not apply to Jews resident in the occupied territories, whether or not they are Israeli citizens.

THE OCCUPIED TERRITORIES**Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government.**

The West Bank and Gaza are ruled under occupation by Israel's Ministry of Defense through a military governor and civil administration. Palestinians have no means to participate in significant policy decisions concerning land and resource use and planning, taxation, trade, and industry. Municipal elections were last held in 1976 in the West Bank, and most mayors elected then were later dismissed on security grounds. Palestinians appointed by Israel have filled most vacancies. Some appointed mayors have resigned or stopped working because of the uprising and, in some cases, threats from other Palestinians. One Israeli-appointed municipal secretary was killed by other Palestinians.

East Jerusalem is governed as part of Israel. Arab residents of East Jerusalem are permitted to vote in municipal elections but have largely boycotted them. In the 1989 Jerusalem elections, less than 5 percent of Jerusalem's Arab population voted.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights.

Israel normally permits international human rights groups to visit the occupied territories. Israel cooperates with a number of such organizations, and officials are generally available for meetings on human rights issues. However, some of these organizations often complain that Israel's responses are inadequate, not all inquiries receive answers, and some groups' requests for meetings with officials or access to detention facilities are denied.

Many local groups--Israeli, Palestinian, and mixed--are concerned with human rights. Their publications and statements are generally allowed to circulate in the occupied territories. They are allowed to hold press conferences. Individuals working for a prominent Palestinian legal rights organization were detained, beaten, prevented from traveling freely, and harassed at military checkpoints.

Section 5 Discrimination Based on Race, Sex, Religion, Language, or Social Status.

Israeli settlers in the occupied territories are subject to Israeli law, while Palestinians live under military occupation law. Under the dual system of governance applied to Palestinians--both Muslim and Christian--and Israelis, Palestinians are treated less favorably than Israeli settlers on a broad range of issues, including the right to due process, right of residency, freedom of movement, sale of crops and goods, land and water use, and access to health and social services. Israeli settlers involved in security violations have been treated far more leniently than Palestinians guilty of similar offenses. Offenses against Israelis are investigated and prosecuted more vigorously than offenses against Palestinians. Israelis have residency rights in the occupied territories under Israel's Law of Return, regardless whether they have foreign nationality.

Israel continued to place land under its control for military purposes, roads, settlements, and other purposes which restrict use by Palestinians and discriminate in favor of

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Israeli settlers against Palestinians. Palestinians do not participate in the Higher Planning Council, which plans land use in the occupied territories and exercises planning powers transferred from local, municipal, and village councils in 1971. Issuance of permits to Palestinians for house construction is tightly restricted.

The Israeli Civil Administration provides basic services. In 1989 such services were sharply reduced due to the economic disruption caused by the uprising and a Palestinian tax boycott. There was no public accounting of revenue and expenditure.

Palestinians and persons of Arab descent entering the West Bank via the Jordan River bridges, regardless of citizenship, are subject to extensive searches, and many complain of harsh or humiliating treatment. Israel limits the funds visitors or residents may bring into the occupied territories for Palestinian use to about \$300 per person per month unless Israeli authorities grant permission in advance. There are no limits on funds for Israeli settlers.

There is no legal discrimination against women. Violence against women is not legally condoned. The participation rate of women in the labor force is low, and exists primarily in traditional professions and occupations, although there are exceptions. Women's societies flourish and play an important social role.

Section 6 Worker Rights

The applicable sections for West Bank and Gaza Palestinians working in Jerusalem and Israel are contained in the country report for Israel. Palestinian residents of East Jerusalem have the same rights and are governed by the same law as workers in Israel.

a. The Right of Association

The labor law in force in the West Bank is Jordanian Law No. 21 of 1966, as amended by military orders. It permits workers to join unions without prior government authorization. It also permits the formation of unions by any group of 20 or more workers from the same trade or workplace, with prior government authorization. The International Labor Organization (ILO) Director General's report has noted that the Israeli authorities have approved no applications since 1979. No petitions were submitted in 1989. Out of approximately 90 unions functioning in the West Bank, 31 are licensed.

Israeli authorities, citing security concerns, actively discourage union activities in the West Bank. The authorities state that the West Bank umbrella federations and many individual unions are fronts for illegal political organizations rather than trade unions. Israel claims that no legitimate union activities are disrupted and that its actions are intended to prevent illicit political activity.

More than 100,000 West Bank Palestinians, representing a full range of blue-collar and white-collar professions, were members of approximately 90 trade unions in 1989. Unions belong to one of three organizations, all calling themselves the General Federation of Trade Unions in the West Bank (GFTU). The largest GFTU claims membership in the

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International Confederation of Arab Trade Unions (ICATU), although the Tunis-based Palestinian Trade Union Federation (PTUF) is ICATU's affiliate of record. Two GFTU's have applied for membership in the International Confederation of Free Trade Unions (ICFTU). There is no connection between any of the West Bank unions and the Government of Israel or the Israeli Histadrut Labor Federation.

Military Order (M.O.) 825 of 1980 requires that Palestinian unions present lists of candidates for union office to the Civil Administration (CIVAD) for approval 30 days before elections. CIVAD has said that it will enforce M.O. 825 by disallowing the election of candidates not approved in advance. The order authorizes the CIVAD to remove from the lists any candidates who have been convicted of a felony or misdemeanor. Because Palestinian trade unionists fear that the CIVAD will use the order to exclude those candidates who have served in administrative detention, they refuse to adhere to the order.

Like all organizations and individuals in the occupied territories, Palestinian labor organizations are subject to disciplinary measures for engaging in political activities. The premises of the GFTU in Nablus remained closed on the grounds they had been used for political rather than union activities. Union-related meetings of 10 or more persons must have the prior approval of the CIVAD.

There has been no dissolution of unions by administrative or legislative action. Under prevailing labor law, unions have the right to strike only after submitting a complaint to the CIVAD for mandatory arbitration. No strikes have been authorized under this procedure. However, authorities have not interfered with unauthorized strikes called over strictly labor issues. More than 20 such strikes took place in the West Bank in 1989.

Union leaders have been among those detained for alleged security offenses. GFTU leaders have been denied permission to travel to ILO conferences, but they and their representatives have been permitted to travel abroad at the invitation of labor organizations in other countries. Delegations from the ICFTU and foreign trade unions, in addition to the annual ILO mission, visited the West Bank in 1989 and met with the GFTU leaders.

b. The Right to Organize and Bargain Collectively

Collective bargaining is protected. The CIVAD does not record collective agreements because some unions and/or their leaders are not legally recognized. However, most union-employer agreements are honored without interference from the authorities. The only legal forum for labor grievances in the West Bank is the CIVAD's military court system. Palestinians view the system as unsympathetic and prefer to use the traditional technique of mediation by community notables. There are no export processing zones in the occupied territories.

c. Prohibition of Forced or Compulsory Labor

There is no forced or compulsory labor in the occupied territories. Under existing law applicable to the occupied territories, there is no statutory ban on forced labor.

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Forced labor is, however, banned (except under certain exceptional circumstances) by the Fourth Geneva Convention.

d. Minimum Age for Employment of Children

A 1978 military order raised the minimum working age in the West Bank and Gaza to 14, and there are no known instances of child labor in industry or construction.

e. Acceptable Conditions of Work

In the West Bank, Jordanian law allows a maximum workweek of 48 hours, except for certain hotel, food service, and cinema employees, whose workweek is 54 hours. In Gaza, Israeli authorities amended this law to provide for a 45-hour workweek for day laborers and a 40-hour week for salaried employees. There is no effective enforcement of maximum workweek laws. There is no minimum wage provision in the West Bank or Gaza. The Ministry of Labor's inspection service is charged with enforcing health and safety standards in the West Bank and Gaza, but no inspections take place.



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REPORT OF THE SECRETARY-GENERAL ON THE UNITED NATIONS
IRAN-IRAQ MILITARY OBSERVER GROUP

(for the period 23 September 1989 to 22 March 1990)

Introduction

1. The United Nations Iran-Iraq Military Observer Group (UNIIMOG) was established for an initial period of six months by the Security Council under the terms of its resolution 619 (1988) of 9 August 1988. By the same resolution, the Security Council requested the Secretary-General to keep the Council fully informed of further developments. A preliminary account of the activities of UNIIMOG during its first 10 weeks of operations was submitted to the Council in my interim report of 25 October 1988 (S/20242). Subsequent reports dated 2 February 1989 (S/20442) and 22 September 1989 (S/20862) covered the periods from 9 August 1988 to 2 February 1989 and 3 February 1989 to 22 September 1989 respectively. On 29 September 1989 the Council unanimously adopted resolution 642 (1989) in which it decided to renew the mandate of UNIIMOG until 31 March 1990 and requested the Secretary-General to submit, by that date, a report on the developments in the situation and the measures taken to implement Security Council resolution 598 (1987).

2. Accordingly, the present report covers the period from 23 September 1989 to 22 March 1990 and is intended to provide the Council with a comprehensive account of the manner in which UNIIMOG has carried out the mandate entrusted to it during that period and of my efforts to bring about full implementation of resolution 598 (1987).

Mandate and terms of reference

3. The mandate of UNIIMOG was defined in paragraph 3 of my report of 7 August 1988 (S/20093), which was approved by the Security Council in paragraph 1 of its resolution 619 (1988) of 9 August 1988, in the following terms:

"(a) To establish with the parties agreed cease-fire lines on the basis of the forward defended localities occupied by the two sides on D Day but adjusting these, as may be agreed, when the positions of the two sides are judged to be dangerously close to each other;

"(b) To monitor compliance with the cease-fire;

"(c) To investigate any alleged violations of the cease-fire and restore the situation if a violation has taken place;

"(d) To prevent, through negotiation, any other change in the status quo, pending withdrawal of all forces to the internationally recognized boundaries;

"(e) To supervise, verify and confirm the withdrawal of all forces to the internationally recognized boundaries;

"(f) Thereafter, to monitor the cease-fire on the internationally recognized boundaries, investigate alleged violations and prevent, through negotiation, any other change in the status quo, pending negotiation of a comprehensive settlement;

"(g) To obtain the agreement of the parties to other arrangements which, pending negotiation of a comprehensive settlement, could help to reduce tension and build confidence between them, such as the establishment of areas of separation of forces on either side of the international border, limitations on the number and calibre of weapons to be deployed in areas close to the international border and patrolling by United Nations naval personnel of certain sensitive areas in or near the Shatt al-Arab."

4. In accordance with its mandate, UNIIMOG monitors the cease-fire lines of 20 August 1988. In those limited areas where it has been unable to gain access to the cease-fire lines either because of restrictions imposed on its freedom of movement by the parties (see para. 13 below) or because of the inaccessibility of the terrain, UNIIMOG has conducted its observations from a flank or from the air.

5. As reflected in the present report, UNIIMOG continues successfully to monitor compliance with the cease-fire. It has investigated all alleged violations and in most cases has been able, through negotiations at the team site, sector and headquarters levels, to restore the situation if a violation has taken place. There have nevertheless been some changes in the status quo but, with the exception of those mentioned in this and previous reports, they have been minor in nature. As the withdrawal of forces to the internationally recognized boundaries has not yet taken place, parts of UNIIMOG's mandate remain unimplemented. UNIIMOG continues to refine its plans for the supervision of withdrawal to the internationally recognized boundaries once the withdrawal is agreed by the parties.

6. The preliminary agreements concerning the status of UNIIMOG which were concluded with the Government of Iraq on 5 November 1988 and with the Government of the Islamic Republic of Iran on 28 March 1989 remain in effect. They embody the principles of the Charter of the United Nations and of the Convention on the Privileges and Immunities of the United Nations, as well as the experience of

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previous United Nations peace-keeping operations, so as to ensure UNIIMOG's ability to function independently and, in particular, the freedom of movement and communications and other facilities that are necessary for the performance of its tasks. The status of the implementation of these agreements is reported in paragraph 26 below.

Composition, command and deployment

7. The command of UNIIMOG continues to be exercised by the Chief Military Observer, Major-General Slavko Jovic (Yugoslavia). The Assistant Chief Military Observer on the Iranian side from 9 September 1989 has been Brigadier-General P. Källström (Sweden). On the Iraqi side the Assistant was Brigadier V. M. Patil (India) until 12 March 1990, when the post was assumed by Brigadier S. A. Khan (Bangladesh).

8. As of March 1990, the strength of UNIIMOG, including headquarters staff in Baghdad and Tehran, was as follows:

United Nations military observers

Argentina	10
Australia	15
Austria	13
Bangladesh (including the Assistant Chief Military Observer)	16
Canada	15
Denmark	16
Finland	15
Ghana	15
Hungary	15
India	15
Indonesia	16
Ireland	15
Italy	15
Kenya	15
Malaysia	15
New Zealand	10
Nigeria	16
Norway	15
Poland	15
Senegal	15
Sweden (including the Assistant Chief Military Observer)	15
Turkey	15
Uruguay	12
Yugoslavia	11
Zambia	9
	<u>354</u>

Air unit

New Zealand	17
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Military police unit

Ireland	28
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Medical section

Austria	4
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Total	<u>403</u>
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9. There may be further additions to the military strength of UNIIMOG when the deployment of helicopters and other elements of its air unit is completed. It is still my intention, in accordance with paragraph 3 (g) of UNIIMOG's mandate, to add a small naval unit when agreement has been reached with the parties on the patrolling by UNIIMOG of the Shatt al-Arab and/or adjacent waters in the Persian Gulf. The Government of the Islamic Republic of Iran has notified me of its approval in principle of such patrolling but the Government of Iraq has linked this question to the wider issues which are the subject of the talks referred to elsewhere in the present report.

10. One hundred and four international staff and 98 local civilian staff members are in the mission area at present. This leaves an appreciable number of posts vacant. The shortage of staff in the mission has created a number of problems and has caused backlogs to accumulate in several important areas. Procedural problems concerning the recruitment of local staff in the Islamic Republic of Iran, which again persisted during the current mandate, are being gradually relaxed and the filling of some vacancies has started. As soon as agreement is reached on the deployment of the United Nations naval unit and United Nations-operated helicopters, additional recruitment will have to be initiated.

11. The deployment of UNIIMOG as of March 1990 is shown on the map annexed to the present report.

12. As I reported in September 1989, the activities of UNIIMOG in Iraq and the Islamic Republic of Iran are directed by the Chief Military Observer and his senior staff (the "Command Group") who spend alternate weeks at the Baghdad and Tehran headquarters. The United Nations military observers in the field continue to be deployed in four sectors on the Iranian side, with headquarters at Saqqez, Bakhtaran, Dezful and Ahwaz, and three on the Iraqi side, with headquarters at Sulaimaniyah, Ba'quba and Basra. Each sector headquarters controls a number of team sites which send out the patrols on the cease-fire lines. The length of cease-fire line monitored by a team site varies from 70 kilometres in the southern part of the operational area to 250 km in the mountainous north. The locations of team sites and sector headquarters on both sides are generally satisfactory, but negotiations and preparations are continuing in both countries to adjust the

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location of some sector headquarters and team sites in order to improve UNIIMOG's operational effectiveness.

Operations

13. The operations of the UNIIMOG military observers remain as described in my reports of 25 October 1988 (S/20242, para. 9), 2 February 1989 (S/20442, para. 12) and 22 September 1989 (S/20862, para. 12). UNIIMOG deploys each day an average of 64 patrols that operate around the clock by vehicle, by boat, by air and on foot. Patrolling is co-ordinated between UNIIMOG sectors on the two sides of the cease-fire lines to ensure effective coverage of the entire front. The fundamental patrolling principle continues to be to position patrols at the right place at the right time to prevent cease-fire violations or to contain and resolve such violations when they occur. Quick reactions by patrols to serious incidents, such as firing, have succeeded in defusing potentially explosive situations. As noted in paragraph 4 above, the United Nations military observers are still denied access to certain operational areas by both parties. Whenever necessary, such interference with their freedom of movement is protested to the party concerned. During the current mandate the Government of the Islamic Republic of Iran has agreed to the use of UNIIMOG vehicles in all sectors in that country, thereby greatly improving UNIIMOG's operational effectiveness (see para. 22 below). Some patrols on the Iranian side are still being cancelled because of lack of liaison officers, interpreters or escort officers but this problem has lessened considerably during the mandate thanks to the provision of more Iranian liaison officers.

14. There has been no progress in UNIIMOG's efforts to obtain the opening of three crossing points to enable United Nations personnel and vehicles to cross from one side to the other.

15. Throughout the mandate period there was a general calm along the cease-fire lines and a significant and encouraging decline in the number of major violations. Two serious firing incidents occurred in December 1989 but they were resolved by UNIIMOG and did not spread to adjacent areas. It is encouraging that both parties responded positively and promptly to UNIIMOG's efforts to bring these incidents to an end. Unfortunately, the same cannot be said of either party's responses to a number of long-standing and continuing violations, mostly involving movement forward into no man's land. Despite repeated protests by UNIIMOG a number of major breaches of the status quo in no man's land by both parties persist. On the positive side, it can be noted that most cease-fire violations were minor in nature, involving small improvements and adjustments to existing defences, and many of them were successfully resolved by UNIIMOG. The Group's new standing operating procedures for violations went into effect during the mandate and helped to simplify the system for reporting, processing and resolving violations.

16. At several points on the cease-fire lines, the parties continue to remain dangerously close. UNIIMOG has proposed to both parties that they co-operate in moving their forces back from these areas of possible confrontation but with only partial success.

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Headquarters in New York and with UNIIMOG-Baghdad, especially in emergency situations when rapid communication between UNIIMOG's two headquarters is essential if incidents on the cease-fire lines are to be brought under control and prevented from escalating.

Relations with the parties

25. During the period covered by the present report, UNIIMOG has continued to receive co-operation from the two parties. As will be clear, however, from the preceding sections of the present report, I am not yet in a position to report that either party is giving all the help UNIIMOG needs if it is to carry out the tasks entrusted to it by the Security Council.

26. In the Islamic Republic of Iran there have been some welcome improvements in the conditions for UNIIMOG's operations, notably permission, since the beginning of 1990, for UNIIMOG observers to drive UNIIMOG-owned vehicles in all sectors on the Iranian side of the cease-fire lines. However, UNIIMOG patrols are still denied freedom of movement several times each day; and the use of UNIIMOG satellite communications and UNIIMOG helicopters has still not been accepted. The flooding of no man's land is another case in which the Islamic Republic of Iran has not so far found it possible to respond positively to repeated efforts by the United Nations to re-establish the status quo.

27. In Iraq, implementation of the preliminary status agreement for UNIIMOG has generally proceeded satisfactorily. Recently, however, the Iraqi authorities have proposed restrictions on the movements of UNIIMOG personnel between Iraq and the Islamic Republic of Iran. These restrictions have been protested and discussions between the Government of Iraq and the United Nations continue with a view to a mutually acceptable solution. On a number of substantive issues, notably the capping of the Dehloran oil and gas wells, the release of prisoners taken since 20 August 1988 and patrolling by UNIIMOG of the waters off the mouth of the Shatt al-Arab, Iraq has not yet been able to agree to proposals that would strengthen the cease-fire and create conditions conducive to a solution of the wider issues related to the full implementation of Security Council resolution 598 (1987).

Financial aspects

28. By its resolution 44/189 of 21 December 1989, the General Assembly authorized the Secretary-General to enter into commitments for the operation of UNIIMOG at a rate not to exceed \$6,401,333 gross (\$6,237,333 net) per month for the six-month period beginning 1 April 1990 and \$7,068,000 gross (\$6,904,000 net) per month for the six-month period beginning 1 October 1990, subject to obtaining the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions for the actual level of commitments to be entered into, should the Security Council decide to continue the Group beyond 31 March 1990, as authorized under its resolution 642 (1989). If the Council decides to extend UNIIMOG beyond its current mandate period the costs to the United Nations for maintaining the Group during the

extension period will be within the commitment authorized by the Assembly in its resolution 44/189, assuming continuance of the existing responsibilities of UNIIMOG.

29. As at the beginning of March 1990, unpaid assessed contributions to the UNIIMOG Special Account for the mandate periods since its inception up to 31 March 1990 amounted to \$21.2 million.

Implementation of Security Council resolution 598 (1987)

30. In pursuance of my efforts aimed at implementing Security Council resolution 598 (1987), I met in New York with the Foreign Minister of the Islamic Republic of Iran, Mr. Ali Akbar Velayati, on 29 September 1989 and the Deputy Prime Minister and Minister for Foreign Affairs of Iraq, Mr. Tariq Aziz, on 4 October 1989. The Ministers reiterated their acceptance of the suggestion that my Personal Representative, Ambassador Jan Eliasson, engage in intensive consultations in the course of a shuttle visit between Baghdad and Tehran in the first half of November 1989. Through a statement issued by the President of the Security Council on 27 October 1989, the members of the Council expressed their support for that visit.

31. Accordingly, from 1 to 16 November 1989, my Personal Representative and his team visited Baghdad and Tehran three times and held discussions with President Saddam Hussein, with President Hashemi Rafsanjani as well as with the Foreign Ministers and senior officials of both countries. In the course of those visits the reaction of the two sides was sought to the framework for the pursuance of my efforts as contained in paragraph 41 of my report to the Council of 22 September 1989 (S/20862). At the conclusion of his visits, Ambassador Eliasson made a detailed presentation to the Foreign Ministers of Iraq and the Islamic Republic of Iran which contained specific suggestions on how to finalize a concrete programme of work. In particular, he put forward a specific list of issues to be implemented as an integrated whole, bearing in mind the urgency which the resolution has attributed to some of its provisions. The presentation made clear that the process of direct talks between the Foreign Ministers of the Islamic Republic of Iran and Iraq under my auspices had been recognized as the appropriate vehicle for developing a common understanding, in accordance with my 8 August 1988 letter, on the implementation of resolution 598 (1987). Such talks, appropriately structured, should permit the finalization of the understanding with a view to implementation.

32. During his visit to Tehran my Personal Representative was informed by the Foreign Minister of the Islamic Republic of Iran that his Government, in the weeks ahead, would unilaterally release a number of sick and wounded prisoners-of-war, without pre-conditions and irrespective of whether they had been registered by the International Committee of the Red Cross (ICRC). Iraq declared its readiness to reciprocate. The Iranian side, in early January 1990, released a limited number of prisoners; and the Iraqi side responded on a proportional basis that reflected the numbers of prisoners-of-war registered by ICRC. Furthermore, on 13 March 1990, 20 non-Iraqi prisoners-of-war were released by the Iranian authorities.

33. I met in New York on 11 and 13 December 1989 with the Deputy Prime Minister and Foreign Minister of Iraq and on 12 and 15 December 1989 with the Foreign Minister of the Islamic Republic of Iran. During those discussions I emphasized the need to bring about appropriately structured direct talks under my auspices with a specific agenda based on my September report to the Council.

34. On 27 February 1990, after informing the members of the Security Council of my efforts, I asked for its concrete and clear support, bearing in mind comments I had made on the format, agenda and duration of the talks which I intended to propose to the two parties.

35. In its response (S/21172), the Council, at its 2908th meeting, expressed its support for my efforts and for the holding of appropriately structured direct talks between both parties under my auspices, for a period of two months and with a specific agenda, the elements of which I had outlined to the members of the Council on the basis of the concluding observations contained in my report of 22 September 1989.

36. Accordingly, on 6 March 1990, I met with the Permanent Representatives of the Islamic Republic of Iran and Iraq respectively and suggested, for acceptance by their Governments, a draft agenda for those talks. Since then my Personal Representative has been continuing his contacts with both sides with the aim of arranging a new phase of direct talks to bring about the implementation of resolution 598 (1987).

37. Until now, no final answer has been received from either Government, although there have been public statements by high-level Iranian officials commending the steps taken by the United Nations. Both sides have asked questions to which my Personal Representative has responded in meetings which have taken place up to 22 March.

Observations

38. Since my report of 22 September 1989 (S/20862), I have made a major effort to explore in detail the positions of the two Governments with regard to the various elements of the resolution yet to be implemented. Ambassador Eliasson's extended visit to the region in November 1989 was aimed at encouraging both sides to focus on an agenda for a new phase of direct talks. Despite some difficulties which he encountered, he concluded his visits to both capitals by making a presentation of a possible programme of work (see para. 31 above), which he outlined in identical terms to both sides for their consideration.

39. Following the visits, I continued my efforts, emphasizing the need for appropriately structured direct talks based on a specific agenda. However, in December 1989, it seemed that progress would not be obtained without concrete support for my efforts by the members of the Security Council.

40. Against this background, the statement issued on 27 February by the Security Council (S/21172) constitutes an important step in the efforts aimed at implementing resolution 598 (1987). It is an indication of what the international

community considers to be a reasonable way to proceed. The particular urgency of the provisions referring to withdrawal without delay and to release and repatriation of prisoners-of-war without delay and in accordance with the Third Geneva Convention of 1949, ^{1/} as well as the need to implement the resolution as a peace plan and an integrated whole have been fully recognized.

41. It is my firm expectation that the consultations that my Personal Representative is having with the parties in order to bring about the appropriately structured direct talks based on a specific agenda, for a period of two months, will indicate that both Governments are determined to take advantage of this opportunity and the momentum created by the Security Council's statement of 27 February.

42. Such talks would make it possible to achieve an implementation plan including timings and procedures for all aspects of the resolution. The implementation plan would thus reflect the understanding of the two sides on how implementation should be carried out.

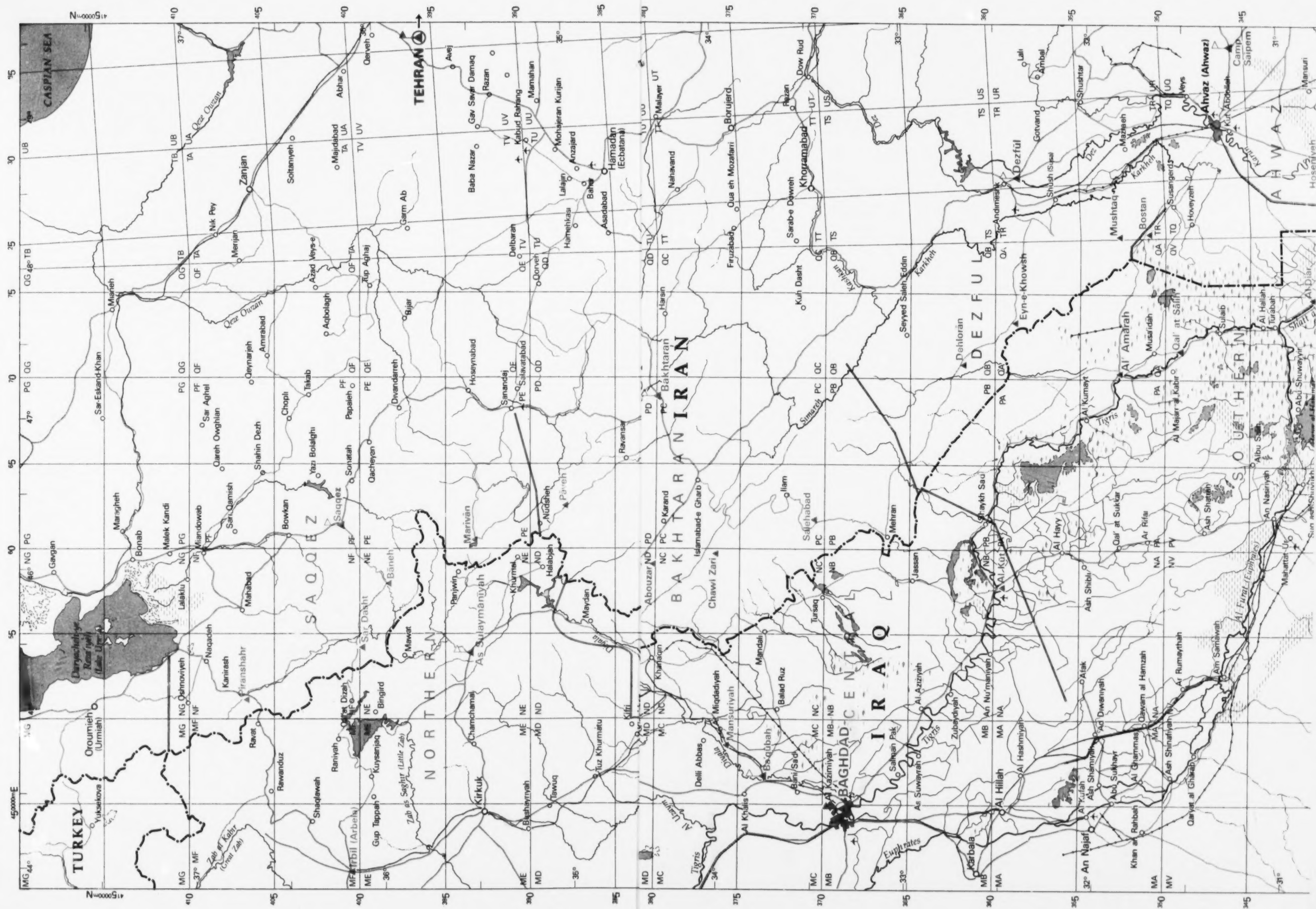
43. I believe it is time for the leadership of the two nations to notify me of their acceptance of the proposed agenda and to give added political impetus to the talks by indicating to each other their sincerity and their determination to implement resolution 598 (1987). Once the talks start it will also be necessary to make all efforts to conduct the talks, not in hostility or as victor and vanquished, but in a spirit of goodwill and good-neighbourliness.

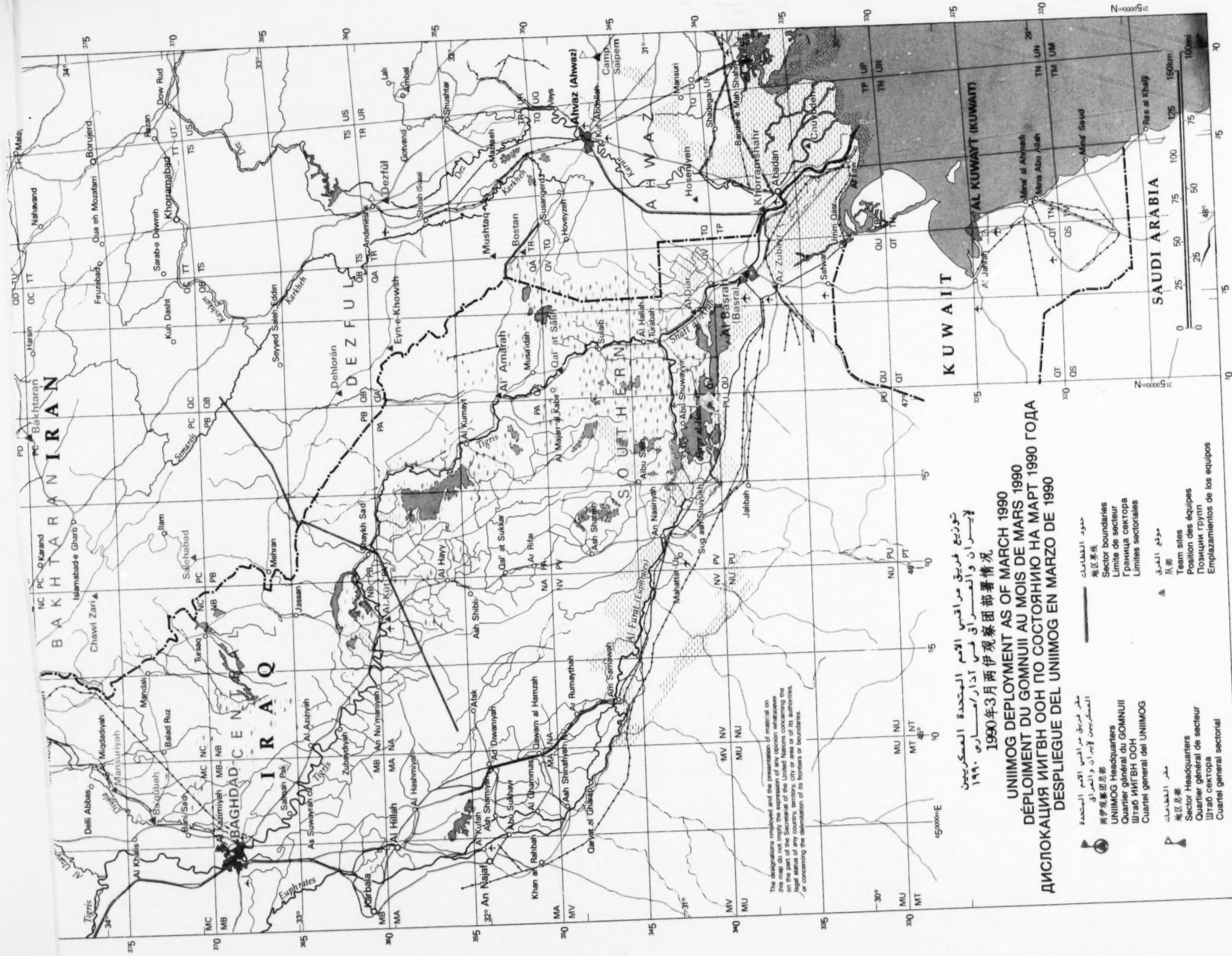
44. Meanwhile, I believe it will be clear to the members of the Security Council that UNIIMOG continues to play an indispensable part in ensuring the maintenance of the cease-fire and that its continued presence is an essential condition for further progress towards the full implementation of resolution 598 (1987). Both the parties have assured me of their support for UNIIMOG and of their agreement to an extension of its mandate. I accordingly recommend to the Security Council that the mandate be renewed for a period of six months, that is until 30 September 1990.

45. I again pay tribute to Major-General Slavko Jovic, the Chief Military Observer, and to all the men and women under his command, both military and civilian, for the skill and determination with which they continue to carry out their difficult assignment. Their performance and bearing have been of a high order, reflecting credit on themselves, on their countries and on the United Nations. Finally, I wish to recognize here the important role played by Brigadier V. M. Patil, the former Assistant Chief Military Observer on the Iraqi side, during the critical first year of UNIIMOG's existence and to commend him for his lasting contribution.

Notes

^{1/} United Nations Treaty Series, vol. 75, No. 972.





توزيع فريق مراقبي الأمم المتحدة العسكريين
لإيران والعراق في آذار/مارس 1990
1990年3月两伊观察团部署情况

UNIMOG DEPLOYMENT AS OF MARCH 1990
DÉPLOIEMENT DU GOMNUJ AU MOIS DE MARS 1990
ДИСЛОКАЦИЯ ИГВН ООН ПО СОСТОЯНИЮ НА МАРТ 1990 ГОДА
DESPLIEGUE DEL UNIMOG EN MARZO DE 1990

مقر فريق مراقبي الأمم المتحدة
العسكريين لإيران والعراق
UNIMOG Headquarters
Quartier général du GOMNUJ
Штаб ИГВН ООН
Cuartel general del UNIMOG

مقر المنطقة
Sector Headquarters
Quartier général de secteur
Штаб сектора
Cuartel general sectorial

حدود القطاعات
Sector boundaries
Limite de secteur
Граница сектора
Límites sectoriales

موقع الفريق
Team sites
Position des équipes
Позиции групп
Emplazamientos de los equipos